THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.20277 of 2005

Date:19.09.2005

Prathush Kumar Tripathi

--------PETITIONER

The Union of India and others

---------RESPONDENTS

ORDER:

The petitioner joined Indian Army and held various positions in the Corps of EME. His grievance is that though he was entitled to be promoted to the rank of Subedar Major, he was not considered on as many as three occasions. He has been discharged from service on 31.07.2005. He claims to have made a representation, dated 07.02.2005, to the respondents, in relation to the alleged denial of promotion to him and complains that no action has been taken thereon.

Heard the learned counsel for the petitioner and the learned senior Standing Counsel for the respondents.

Even according to the petitioner, his case was considered by the respondents for promotion to the rank of Subedar Major thrice. While the petitioner contends that denial of promotion to him is contrary to the relevant provisions, the respondents assert that the petitioner was, in fact, considered and not promoted, since he did not come to the expected level of efficiency.

This Court cannot act as an appellate authority over the assessment

undertaken by the departmental promotion committee. The petitioner had already submitted a representation to the respondents narrating his grievances. The question as to whether there is any substance in the contention put forward by the petitioner needs to be considered by the respondents, and appropriate orders need to be passed thereon.

Therefore, the writ petition is disposed of, directing the respondents to dispose of the representation submitted by the petitioner, within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs.

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19.09.2005

Jsu